

Message from the Executive Director

*H*ighlights are provided on the following pages for a number of

events that marked 2001 as a year of change for the Mid-Atlantic Fishery Management Council. Also included are summaries of Council actions that were taken during 2001 on each of the thirteen species that are governed by the Council's seven fishery management plans (FMP).

While much has been accomplished (e.g., the Tilefish FMP was approved and implementing regulations finalized; Framework 1 to the Summer Flounder, Scup, and Black Sea Bas FMP; Squid, Mackerel, and Butterfish FMP, Bluefish FMP, and Tilefish FMP was implemented [the research set-aside program]; Framework 2 to the Summer Flounder, Scup, and Black Sea Bass FMP was implemented [conservation equivalency for states]; revision of the biological reference points for summer flounder was determined to be unnecessary at the time of the review, i.e., maintained status quo; and specification packages for 16 fisheries were developed and submitted to NMFS in timely fashion), much remains to be addressed. Unfortunately, since reauthorization of the Magnuson-Stevens Act (MSA) in October 1996 by the Sustainable Fisheries Act (SFA), the Council system and NMFS have been under legal attack, principally from environmental groups using the SFA amendments as a means to advance their agenda. Consequently, in response to new case law, the system has added more complexities and demands, the process has become more convoluted and frustrating, and the end result is a situation where outcomes become less and less predictable.

This Council's Tilefish FMP is an excellent, yet sad, example of recent fishery management history. Two years after passage of the SFA, we were informed by the Secretary that tilefish was overfished. A plan was developed and approved for submission to NMFS by the Council in November 1999. After a number of iterations between Council staff and NMFS to perfect the plan's documents, NMFS approved it in May 2001 and implemented final regulations to put the plan into effect on November 1, 2001. Mind you, this is a plan that governs a \$4,000,000 fishery that has fewer than 20 boats



accounting for 95% of the landings, yet before the ink was dry on the regulations, an environmental group sued NMFS in federal court alleging we did not minimize effects of fishing on tilefish essential fish habitat (EFH), we held a “secret meeting” where deals were cut, and our EIS was inadequate ... mea culpa! For these alleged failures, the environmentalists want a “do-over” and, oh yeah, plaintiffs want their fees, expenses, and costs reimbursed (and anything else the court deems appropriate).

The environmental group bringing suit claims to represent over 390,000 members, and I am confident that less than 1% of them have ever seen a tilefish, much less caught one. I can also say with certainty that less than 1/10 of 1% have ever seen tilefish habitat. Yet here we are, exposed to the potential that we will have to redo this plan and we taxpayers will have to cover their litigation “fees, expenses, and costs.” But that’s not all — what’s their real agenda? How about this one ... use tilefish EFH to shut down the New England groundfish fishery. In effect, a \$4,000,000 fishery with fewer than 20 vessels will shut down a \$100,000,000 fishery impacting about 1300 vessels! Talk about being upside down, the tail wagging the dog ... their agenda is not fishery management, but power and control. This is a microcosm of what is happening elsewhere and it will continue to happen unless MSA is changed. My message to you is to get involved in the legislative process to avoid the litigation process. To this end, here are two things you do not want to see in the next MSA reauthorization:

- Ecosystem Management ... instead, stick with single species.
- Precautionary Principle ... a strong dose of common sense is a much better principle.

And, for balance, here are two things you want to see:

- MSA exempted from NEPA ... NEPA requires an EIS for any “major federal action significantly affecting the quality of the human environments.” Since I used tilefish earlier, let me use it again ... “major action”? Hardly! “Significantly affecting quality of human environments”? Please! We’re on a paper chase treadmill that needs to be stopped.
- Rescind the SFA EFH requirements ... until a direct relationship between EFH and fishery productivity can be demonstrated with scientific certainty, then actions to minimize the “adverse effect” of fishing gear on EFH will continue to be dubious at best, and baseless at worst.

As frustrating and non-satisfying as the current process is, this job would be even more deadly dull and boring but for the unique opportunity we have to change the system. We have a great Council family, and an energized staff despite the litigious environment in which we find ourselves. So despite the downers, I still thank the Council for allowing me the opportunity to serve as its Executive Director. I likewise thank the staff for its continued commitment, dedication, loyalty, patience, and understanding. We can and must make a difference.

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2001: Year of Change

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Officers Elected

At its October meeting, the Council held its annual election of officers. Ricks E Savage was elected Council Chairman and Ronal W. Smith was elected Vice Chairman for the 2001/2002 Council year.

Council Members Appointed

On June 26, 2001 the Secretary of Commerce, Donald L. Evans, announced the appointment of two new members to the Mid-Atlantic Fishery Management Council and the reappointment of two incumbents. The newly appointed members, representing the states of Maryland and Virginia, filled at-large seats while the reappointed members from Delaware and New Jersey filled, respectively, an obligatory seat and an at-large seat. The members began their terms August 11, 2001 and will serve on the Council through August 10, 2004.

Lawrence William Simns (Maryland) has worked for over 30 years for the Maryland Watermen's Association (MWA) and was affiliated with various programs, organizations, and commissions over those years including the Sea Grant Advisory Board for the University of Maryland, the Environmental Protection Agency Chesapeake Bay Program, and the Chesapeake Bay Commission. Since his appointment, Larry has been serving on various Council committees including Migratory Species, Surfclam/Ocean Quahog/Tilefish, Ecosystems Planning and is currently Vice Chair of the Protected Resources Committee.

Yvonne Michelle Peabody (Virginia) has owned and operated several scallop fishing vessels since the mid-1990's and currently is the owner of the *Peabody Corporation*. She is a member of the Migratory Species Committee, Surfclam/Ocean Quahog/Tilefish Committee, and the New England Council Committee.

Ronal William Smith (Delaware) is the Council's Vice Chairman and currently serves as Chairman of the Surfclam/Ocean Quahog and Tilefish Committee, Vice Chairman of the Executive Committee and Ron also serves as liaison to the South Atlantic Fishery Management Council.

James R. Lovgren (New Jersey) has served as an advisor to the Atlantic States Marine Fisheries Commission, the New England Fishery Management Council, the New Jersey Marine Fisheries Council, and New Jersey Sea Grant. He was the founding director for both the Garden State Seafood Association and the New Jersey Seafood Harvesters Association. As a Council member, Jim is a member of the Surfclam/Ocean Quahog and Tilefish Committee, Demersal Species Committee, Joint Plans Committee, and Ecosystem Planning Committee.

A swearing-in ceremony for the new members was held during the October Council meeting. NMFS Northeast Regional Administrator, Patricia Kurkul, officiated the ceremony.

New Committee Structure Established

Council Chairman Ricks Savage created a new committee structure for the Council. The new structure included the establishment of two new committees, i.e., the Protected Resources Committee dedicated to ESA and MMPA issues, and the Ecosystems Planning Committee, developed by consolidating the prior existing Habitat, Comprehensive Management and Ecosystems Management

Committees. The Dogfish and Monkfish Committees were consolidated into a Joint Plans Committee. Likewise, the Surfclam and Ocean Quahog and Tilefish Committees were combined into one committee so named. Committees unaffected by these changes include: Demersal Species; Squid, Mackerel, Butterfish; Migratory Species; Law Enforcement; Executive; New England; South Atlantic; and, Scientific and Statistical Committees.

Advisors Appointed

The process for public input served the Council well during the past year. To perpetuate this input, 74 advisors (recreational fishermen, commercial fishermen, charter/party boat operators, processors and conservation representatives) were appointed or reappointed in October for two year terms to the serve on the Council's 10 advisory panels.

New Calendar for Specification Setting Process Inaugurated

In 2001, the Council established a new calendar for setting its annual specifications. Calendar changes in the specification setting process allowed the Council to address management measures for the annual specifications at different times of the year. This change better distributed staff time over the course of the year. It also reduced the burden for the Council in establishing annual specification recommendations and for NMFS in promulgating regulations.

Typically, the Council set its annual quotas and management measures for surfclams, ocean quahogs, *Loligo* squid, *Illex* squid, mackerel, butterfish, summer flounder, scup, black sea bass, and bluefish during its August Council meeting. Now, as part of the change, the Council will set specifications for surfclams, ocean quahogs, *Loligo* squid, *Illex* squid, mackerel, and butterfish during the June Council meeting. In August, the Council will continue to set the annual commercial management measures for summer flounder, scup, black sea bass,

and bluefish. The Council also advanced the setting of spiny dogfish measures from December to its October meeting, and will continue to establish recreational management measures for summer flounder, scup, black sea bass during the December meeting.

New Cooperative Research Program Initiated

In February, the Council adopted the Quota Set-Aside Framework measure in an effort to secure the involvement and cooperation of the fishing public to improve fishery management. The research set-aside program is intended to foster cooperative research efforts by the fishing industry and scientists, in the collection of information needed to improve fisheries management. The framework allows up to three percent of a species' total allowable landings (TAL) to be set aside for research and data collection purposes. The species eligible for set-aside quota considerations include summer flounder, scup, black sea bass, bluefish, Atlantic mackerel, *Loligo* squid, *Illex* squid, butterfish and tilefish.

The program will be fully operational in 2002. The Council initiated the program by approving various levels of quota set aside for *Loligo* and *Illex* squid, Atlantic mackerel, butterfish, summer flounder, bluefish, scup and black sea bass.

On July 25, 2001, NMFS published a Federal Register Notice soliciting requests for proposals (RFP) for the new program. As part of the notice established a deadline of August 24, 2001 for submission of proposals. However, in mid-August NMFS extended the closing date for accepting proposals until September 14, 2001 so as to give the public more time to submit proposals.

In November, the Council, in consultation with the National Marine Fisheries Service Northeast

New research set-aside program is intended to foster cooperative research efforts by the fishing industry and scientists



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Regional Administrator and the Atlantic States Marine Fisheries Commission, reviewed the proposals after they had been technically reviewed, and developed a list of ranked recommendations. These recommendations were provided to the Regional Administrator, and final selections were provided to the NOAA Grants Office by the Regional Administrator in December for the 2002 fishing year.

New Law Enforcement Philosophy Advocated

The world changed on September 11, 2001 when terrorists attacked America. Using hijacked American commercial airliners, terrorists destroyed the twin towers of the World Trade Center in New York and a wing of the Pentagon in Washington, DC. Fewer than three years earlier (March 1999), this Council had convened one of its regularly scheduled meetings at the World Trade Center Hotel. In response to these acts of terrorism, there has been a major diversion of marine enforcement resources. This diversion of resources motivated the Council to call on the Secretary of Commerce to impose stricter penalties, including severe fines, seizures, and lengthy permit sanctions, on those who violate fishery laws. At its October meeting, the Council took formal action and requested U.S. Coast Guard and NMFS law enforcement units assess the maximum penalty for violators who appear to be taking advantage of the national crisis situation.

First Fishery Achievement Award Recipients Recognized

During the February Council meeting in Wilmington, Delaware, the Council presented the Winter 2000 Fishery Achievement Award to the crew of the Coast Guard Cutter FINBACK and commercial fishermen Edward Thomas Smith for their outstanding efforts to protect living marine resources.

During the June Council meeting in Hampton, Virginia, the Council presented the Summer 2001 award to the crew of the U.S. Coast Guard Cutter Staten Island.



SPECIES ACTIONS DURING 2001

Squid

During the March Council meeting, the Council approved management measures contained in Framework 2 to the Atlantic Mackerel, Squid, and Butterfish FMP. The Council voted to extend the *Illex* permit moratorium, which is scheduled to expire in July 2002, until 2003. Vessels possessing *Illex* moratorium permits in 2002 would be eligible for the permits in 2003. The Council also approved a measure stipulating that the current year's specifications would apply in the new fishing year for Atlantic mackerel, *Loligo* and *Illex* squid, and butterfish fisheries if NMFS did not publish specifications before the start of the new fishing season. This provision would not apply to total allowable level of foreign fishing (TALFF). The Council also approved the proposal that *Illex* moratorium vessels be allowed to retain *Loligo* east of the 50 fathom curve in an amount that does not exceed 10 percent of the total weight of *Illex* on board during a August-September closure of the *Loligo* fishery. In addition, the Council approved a measure that would modify the control rule for *Loligo*.

In May, the Council adopted Framework 2 for submission to the Secretary of Commerce. If approved by the Secretary of Commerce, the framework measure will: extend the moratorium on entry into the *Illex* fishery for an additional year; provide for the continuation of the current fishing year's regulations (excluding TALFF specifications) in the event the annual specifications for Atlantic mackerel, squids and butterfish are not published by the National Marine Fisheries Service (NMFS) prior to the start of the new fishing year; modify the overfishing definition control rule and quota setting procedure for *Loligo*; and, allow for an exemption from the 2,500 pound *Loligo* trip limit for vessels in the *Illex* fishery during a closure of directed *Loligo* fishery during August and/or September.

During its June meeting, the Council met to adopt 2002 fishery management measures for the squid, mackerel, butterfish fishery. In the long-finned squid (*Loligo*) fishery, the Council approved specifications for 2002 by setting a maximum optimum yield (Max OY) at 26,000 metric tons (mt) and an allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH), and domestic annual processing (DAP) at 17,000 mt. The 17,000 mt annual quota would to be divided into quarterly allocations as follows: 1st quarter - 5,649 mt (33.2%); 2nd - 2,994 mt (17.6%); 3rd - 2,941 mt (17.3%); 4th - 5,416 mt (31.9%). It was specified that when 80 percent of the directed fishery in the 1st through 3rd quarters is projected to be taken, the directed fishery would be closed and vessels will then be restricted to a 2,500 pound trip limit. When 95 percent of the annual quota is projected to be taken, the directed fishery will then be closed and a 2,500 pound trip limit will remain in effect for the remainder of the fishing year. Quarterly overages will be deducted as follows: 1st quarter overages will be deducted from 3rd quarter; 2nd quarter overages will be deducted from 4th quarter. If the 1st quarter landings are less than 70 percent of the 1st quarter allocation, the underage below 70 percent will be added to the 3rd quarter. Underages from 2nd and 3rd quarters will be added to the 4th quarter by default based on the 95 percent closure rule for the annual quota.

In the short-finned squid (*Illex*) fishery, the 2002 specifications would set Max OY, ABC, IOY, DAH, and DAP at 24,000 mt. The directed fishery for *Illex* will remain open until 95 percent of ABC is taken (i.e., 22,800 mt). The directed fishery would close and a 5,000 pound trip limit would remain in effect for the remainder of the fishing year when 95 percent of ABC is taken.

On December 17, 2001, the Council held a scoping meeting to initiate Amendment 9 to the Squid, Mackerel, Butterfish FMP. The public

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For the first time in 10 years the Council authorized 3,000 metric tons of mackerel for foreign fishing (talff) during 2001

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provided comment on issues that would be considered during the development of Amendment 9 including, but not limited to, the establishment of conservation zones to protect *Loligo* spawning areas and egg masses, the expansion of essential fish habitat designated for *Illex* squid, the implementation of multi-year specifications for Atlantic mackerel, squid, and butterfish, and the extension of the *Illex* moratorium.

Butterfish

The Council approved the butterfish specifications for year 2002 in June. Recommendations included setting the Max OY at 16,000 metric tons (mt); ABC at 7,200 mt; and IOY, DAH and DAP at 5,900 mt. In the event the mackerel total allowable landings of foreign fishing (TALFF) was not specified, then the bycatch TALFF would be zero. However, if the mackerel TALFF was specified, then the bycatch TALFF would be 0.08 percent of the mackerel TALFF.

Atlantic Mackerel

The Atlantic mackerel specifications approved by the Council in June set ABC at 347,000 metric tons (mt); IOY at 85,000 mt; DAP at 50,000 mt; and the recreational harvest at 15,000 mt. The joint venture processing (JVP) was set at 20,000 mt, and TALFF at zero. The NMFS Northeast Regional Administrator would be allowed to increase the mackerel JVP by an additional 10,000 mt without consulting the Council.

Surfclam/Ocean Quahog

The Council's Surfclam/Ocean Quahog Committee met with its industry advisors on February 6, 2001 to discuss management issues to be addressed in the development of Amendment 13 to the Surfclam/Ocean Quahog Fishery Management Plan. On March 21, 2001, the Council held a scoping meeting to address specific management measures to be included in Amendment 13. This amendment will consider a new surfclam overfishing definition, fishing gear impacts to essential fish habitat, multiyear quota setting process, and reversal of the requirement of a regulatory action to suspend the minimum size limit annually. The Council is expected to approve the public hearing document for this amendment during its March 2002 meeting.

During the June meeting, the Council approved a 4.5 million bushel quota for the ocean quahog fishery and a 100,000 bushel quota for the Maine ocean quahog fishery for the 2002 fishing year. These were the same quota levels for the ocean quahog fishery that have been in place for seven years. For the 2002 fishing year, the Council recommended a 10 percent increase in the surfclam quota to 3.135 million bushels and voted to suspend the minimum size limit for 2002.

Summer Flounder

During its February meeting, the Council approved Framework 2 to the Summer Flounder, Scup and Black Sea Bass FMP for Secretarial submission to implement a conservation equivalency management system for the summer flounder recreational fishery. The Council and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup and Black Sea Bass Board (Board) would annually require that all states develop state-specific management measures (i.e., combination of minimum fish sizes, possession limits, and closed seasons) or follow coastwide measures to achieve

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the coastwide recreational harvest limit. If conservation equivalency is implemented, states would develop proposals and submit them to the Board for approval by early spring. The states would then be responsible for implementing the approved management measures.

In March, NMFS considered an emergency action to close federal waters for 30-45 days to commercial and recreational summer flounder fishing beginning as early as April 1, 2001. This action would be the result of the summer flounder quota discrepancy between the agency's 2001 published quota of 17.9 million pounds and the 20.5 million pound quota adopted by the Atlantic States Marine Fisheries Commission. The closure would allow the involved parties, i.e., NMFS, the Council, and the Commission to participate in a facilitated meeting in an attempt to mediate the difference between the two quotas. NMFS considered this action in order to comply with a settlement agreement filed June 23, 2000 with the National Resources Defense Council (NRDC), et. al. Taking into account the Commission's higher TAL of 20.5 m lbs and overages from 2000, NMFS considered this emergency action so as not to violate the settlement agreement. However, in early April, the Council, NMFS and the Commission resolved their differences between quotas. On April 3, the Commission decided to reduce the TAL for the 2001 summer flounder fishery from 20.5 million pounds to 17.9 million pounds. Consequently, NMFS did not take action to close federal waters to commercial and recreational summer flounder fishing.

In August, the Council met with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, Black Sea Bass and Bluefish Boards (Board) in Philadelphia, PA, to adopt 2002 fishery management measures. The Council and Board recommended a 36 percent increase in the summer flounder TAL to 24.3 million pounds. The TAL recommendation represented an increase of 6.4 million pounds. This action reflected the status of the stock resulting from the success of the Council's and Commission's FMP's management

measures for summer flounder. The adopted 2002 management measures for the summer flounder fishery were as follows (in millions of pounds): a commercial quota of 14.58 million pounds; a recreational harvest limit of 9.72 million pounds; a minimum fish size of 14"; and a mesh size of 5.5".



The Council also passed two motions to look at alternative methods for allocating the commercial quota for summer flounder, and prevent over harvest of the summer flounder recreational allocation.

During the October Council meeting, NMFS held a public hearing regarding the establishment of landings cut-off dates for the commercial summer flounder, scup, and black sea bass fisheries, and to remove the regulatory language that specifies publication dates for annual summer flounder, scup, and black sea bass fishing measures. The establishment of landings cut-off dates for these species would enable NMFS to establish final adjusted quotas for these fisheries prior to the start of the fishing year. On the other hand, the removal of deadline dates for publication of proposed fishery management measures would allow NMFS the flexibility to address quota adjustments in a timely manner.

In December, the Council and Board voted for conservation equivalency to manage the 2002 summer flounder recreational fishery. For the fishing year 2002, states will develop proposals and submit

Council and Board recommended a 36 percent increase in the summer flounder total allowable landings to 24.3 million pounds, representing an increase of 6.4 million pounds

them to the Board for approval. The states would then be responsible for implementing the approved management measures. During the meeting, the Council and Board also adopted a coastwide non-preferred alternative of a 17 inch total length (TL) minimum fish size, 8 fish possession limit, and an open season all year. They adopted a precautionary default measure of one fish with an 18 inch TL minimum fish size that would be imposed on any state in the event that it did not develop and implement an approved conservation equivalent management measure.

Scup

In August, the Council met with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, Black Sea Bass and Bluefish Boards (Board) in Philadelphia, PA, to adopt 2002 fishery management measures. The Council and the Board recommended a TAL of 10.77 million pounds; an increase of 103 percent from 2001. The TAL was split between the commercial quota of 8.0 million pounds and the recreational harvest limit of 2.77 million pounds. The Council retained the minimum fish size at 9".

The Council and Board established possession limits as follows: Winter II, 2001 - 2,000 pounds (with the stipulation that when 70 percent of the quota is projected to be landed, the possession limit drops to 500 pounds); Winter I, 2002 - 10,000 pounds (with the stipulation that when 80 percent of the quota is projected to be landed, the possession limit drops to 1,000 pounds); Winter II,

2002 - 2,000 pounds. A management measure was also adopted that would allow vessels fishing with small mesh and having an escapement extension of 45 meshes of 5.5 inches square mesh behind the body of the net and ahead of the codend be allowed to fish in gear restricted areas. These gear restricted areas are as follows: Northern Gear Restricted Area – closed from Nov. 1-Dec. 31 and the Southern Gear Restricted Area closed from Jan. 1-March 15. Finally, for the directed scup fishery, the minimum mesh size for nets would be modified such that for large nets, no more than 25 meshes of 4.5" in the codend with at least 100 meshes of 5.0" mesh forward of the 4.5" mesh, and for small nets, 4.5" mesh or larger throughout.

At its December meeting in Philadelphia, the Council recommended a coastwide recreational management measure of 50 fish possession limit, 10 inch TL minimum fish size, and an open season from July 1-October 31. The Board voted to develop an addendum to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan that would implement a conservation equivalency management program for the states to use to manage the scup fishery in 2002. This approach will allow states to design a management system that will achieve the landings reduction required by the plan.

Black Sea Bass

On February 1, 2001, in Baltimore, MD, the Council held a meeting of its black sea bass industry advisors and other members of the commercial fishing industry to discuss management alternatives, and to define and remedy the problems associated with the commercial management system for black sea bass. This meeting initiated the development of Amendment 13 to the Summer Flounder, Scup and Black Sea Bass FMP.

At the Council meeting on March 21, 2001, in Avalon, NJ, the Council held a black sea bass scoping hearing on Amendment 13 to the Summer

Flounder, Scup and Black Sea Bass FMP. The public provided comment on a number of alternatives to the current commercial management system, and fishing gear impacts on essential fish habitat (EFH) for summer flounder, scup and black sea bass. These comments were considered in the development of the amendment.

Later in May, the Council reviewed and considered public comments received during the scoping hearing held in March and approved management alternatives to be included in the Public Hearing Draft of Amendment 13. The purpose of the Amendment is to address the problems associated with the current commercial management system for black sea bass and also address fishing gear impacts on essential fish habitat for summer flounder, scup and black sea bass. Amendment 13 to the Summer Flounder, Scup and Black Sea Bass FMP would be jointly developed by the Council and the Atlantic States Marine Fisheries Commission.

In June, NMFS sought public comment on the proposed June 5, 2001 control date that would impact the black sea bass commercial fishery on or before July 5, 2001. The Council had requested that NMFS publish a second control date for the

black sea bass fishery to address possible future restrictions on a limited access program for black sea bass at the March meeting. The control date was intended to discourage speculative activation of previously unused effort or capacity in the black sea bass fishery while the Council and NMFS developed allocation systems for the species. NMFS and the Council will use this date to determine historical participation in the fishery and establish criteria for future participants. The qualification criteria that NMFS and the Council established may be based on the length of past participation in the fishery or on the quantity of landings.

In August, the Council met in Philadelphia, PA, to adopt 2002 fishery management measures. The black sea bass TAL increased 10 percent for 2002 to 6.8 million pounds (the commercial sector was allocated 3.33 million pounds and the recreational sector received 3.47 million pounds). This TAL was recommended based on current status of the stock and anticipated benefits associated with more conservation oriented management measures.

The Council and Board adopted possession limits for each quarter as follows: 1st quarter - 7,000 pounds; 2nd - 2,000 pounds, 3rd - 2,000 pounds; and 4th - 2,000 pounds per trip. Effective October

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Council solicited input from industry advisors in the development of Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan to remedy problems associated with the commercial management system for black sea bass

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In 2001, the Commission took emergency action for the 4th quarter of 2001 to set the possession limit to 2,000 pounds per week or 300 pounds per day. The Council and Board decided to decrease the threshold level that triggers the minimum mesh size for 2002 to 500 pounds for January-March and 100 pounds for April-December. The minimum vent size in pots and traps are set as follows: circular vents 2-3/8"; square vents - 2"; and rectangular vents - 1-3/8" x 5-3/4". The Council and Board decided to increase the minimum fish size to 11" and change the minimum mesh size to 4.5" throughout the net or a minimum of 75 meshes of 4.5" in the codend.

During the meeting, the Council and Board approved the public hearing document for Amendment 13 to the Summer Flounder, Scup and Black Sea Bass FMP to revise the quarterly commercial quota system for black sea bass and implement management alternatives to address essential fish habitat.

During the December Council meeting, the Council and Board also approved recreational measures for the black sea bass fishery including an 11.5 inch TL minimum fish size, a 25 fish possession limit, and an open season all year.

Bluefish

The Council met with the Atlantic States Marine Fisheries Commission Bluefish Board in August to adopt management measures for the 2002 fishery. The Council and Board recommended that the total allowable landing (TAL) limit for 2002 be set at

26.87 million pounds. This TAL is split between the commercial fishery and the recreational fishery. To meet the requirements of the FMP, the recommended TAL was reduced from the 2001 TAL by 10.97 million pounds. It was recommended that the commercial quota be established at 10.5 million pounds. To do this, the Council recommended a transfer of 5.9 million pounds from the recreational sector to the commercial sector leaving the recreational sector with a harvest limit at 16.4 million pounds, which is 6.2 million pounds more than its average landings for the most recent three years. The Council and Board also recommended that the recreational possession limit remain unchanged at 15 fish.

Spiny Dogfish

At the May Council meeting, the Council requested the Spiny Dogfish Monitoring Committee and Dogfish Technical Committee update the spiny dogfish assessment for 2002 in anticipation of the development of Amendment 1. The Council also invited the Commission's Spiny Dogfish Chairman and Plan Coordinator to serve as advisors during future Spiny Dogfish Committee meetings. In addition, the Council requested staff analyze dogfish landings (under the 300 and 600 pound trip limits) for the fishing year.

The Council approved the 2002/2003 management measures for the Spiny Dogfish fishery and options to be addressed in Amendment 1 during its October meeting. The Council voted to maintain the commercial dogfish quota at 4.0 million pounds and retain the seasonal 600/300 pound trip limits. Options approved for Amendment 1 included the following: SSB_{max} biomass rebuilding target (B_{msy} proxy) and other alternative targets; stock rebuilding schedules (15-40 years) including a constant $F=0.03$, constant harvest and other alternatives; provision for quota overage; measures to address discards; specifications for multiple years; seasonal allocation of quota; set aside for biological research;

reporting of discards; and analysis and review of a zero quota option. Although the Mid-Atlantic Council approved these specific options for consideration in the development of Amendment 1, the New England Council has yet to take any action. Nonetheless, Council staff has continued work on development of this amendment.

Tilefish

The National Marine Fisheries Service (NMFS) published the Notice of Availability for the Tilefish FMP regulations on February 12, 2001. The Council had approved the Tilefish FMP for submission to the Secretary of Commerce in November 1999. On April 3, 2001 NMFS published the Proposed Rule to implement these regulations. The comment period ended on May 18, 2001. On May 10, 2001, NMFS approved the Tilefish Fishery Management Plan to initiate the management of golden tilefish under U.S. jurisdiction in Atlantic marine waters 3 to 200 miles offshore north of the Virginia/North Carolina border.

NMFS implemented the final regulations on November 1. This date marks the start of the 12-month fishing year. The plan is intended to rebuild the tilefish stock to obtain optimum yield from the resource over a 10-year period and includes a 10-year rebuilding schedule using a constant harvest strategy with a projected total allowable catch of 1,995,000 pounds annually. The quota is divided among the commercial vessel permit categories. The incidental catch permit category receives 5% of the total quota. The remaining allocation of the quota is distributed among the permit categories as follows: full-time Tier 1 permit - 66% of the adjusted quota (1,250,865 lbs); full-time Tier 2 permit - 15% of the adjusted quota (284,288 lbs); and part-time participants - 19% of the adjusted quota (360,098 lbs).

The plan also requires any vessel fishing for tilefish, possessing tilefish, or landing tilefish from

federal waters have a federal tilefish commercial vessel permit. Under these regulations, vessel owners are required to submit an initial permit application for a federal limited access tilefish permit prior to November 1, 2002. Also, dealers who were issued a tilefish dealer permit are required to submit weekly purchase reports from permitted and non-permitted vessels. Limited access permits are available for vessels that use only longline gear and land in excess of 300 pounds of tilefish per trip. Only limited access permitted vessels can land up to 300 pounds of tilefish per trip. Vessels that land no more than 300 pounds of tilefish per trip need to apply for an incidental catch permit.

Monkfish

The Council agreed with the NEFMC to retain the same management measures in the monkfish fishery for 2001 as were in place for 2000. Both Councils also recommended that a monkfish cooperative research survey be conducted from January-April 2001 to develop improved biomass and fishing mortality data in the northern and southern management areas.

Other Species of Concern

Atlantic Herring

The Council requested that NMFS implement an in-season adjustment of 20,000 metric tons (mt) of Atlantic herring to Joint Venture Processing (JVP) in Area 2 for the 2001 fishing year. The Council sent a letter to NMFS concerning the 2002 Atlantic herring specifications stating support of JVP for both Area 2 and Area 3, and the establishment of a reserve for the purpose of a JVP increase if warranted.

Species Actions

National Marine Fisheries Service implemented management of golden tilefish in Atlantic waters north of the Virginia/North Carolina border on November 1, 2001

Species Actions

Groundfish

The Council passed a motion that requested NMFS be aware of the Council's concern over the Northeast groundfish buyout program and the implications it may have of displacing fishing effort into the Mid-Atlantic region. The Council requested NMFS place a priority on purchasing permits from vessels possessing only groundfish permits or those vessels willing to give up their entire suite of permits.

Large Pelagics

Following the March Council meeting, the Council sent a letter to the Secretary of Commerce requesting that ICCAT proposals affecting Councils be agreed upon by the Councils prior to international meetings. This would allow the Councils the opportunity to review and comment on the proposals. The Council also wrote a letter to NMFS seeking support for expanding the Maryland and North Carolina bluefin tuna tagging program to a coastwide program.

Protected Resources

Council staff attended several meetings of the Atlantic Bottlenose Dolphin Take Reduction team. The purpose of these meetings was to develop a plan to reduce the incidental take and mortality of Atlantic Bottlenose Dolphin in commercial fisheries along the Atlantic coast. In addition, staff attended the annual meeting of the Atlantic Scientific Review Group. The purpose of this meeting was to provide independent peer review of NMFS assessments of all marine mammals stocks in the western Atlantic Ocean. Also, in response to a request from the NMFS Northeast Regional office, the Council created a Protected Resources Committee. This Committee will focus on management issues in the Mid-Atlantic region related to the Marine Mammal Protection Act and the Endangered Species Act.



Status of Stocks of Federally Managed Mid-Atlantic Species

Species	January 2002 Status	Biomass or Survey Values			Year Federal Management Began
		1990	1995	2000	
Summer Flounder ¹	not overfished/overfishing occurring	16.4 m lbs	36.8 m lbs	81.5 m lbs	1988
Scup ¹	overfished/overfishing occurring	0.026 kg/tow	0.06 kg/tow	0.25 kg/tow	1996
Black Sea Bass ¹	overfished/overfishing occurring	0.075 kg/tow	0.088 kg/tow	0.204 kg/tow	1996
Bluefish	overfished/overfishing not occurring	68.4 m lbs	38.4 m lbs	51.7 m lbs	1990
Loligo Squid	not overfished/overfishing not occurring	13.8 kg/tow	8.2 kg/tow	17.2 kg/tow	1978
Illex Squid	unknown/overfishing not occurring	2.4 kg/tow	0.7 kg/tow	N/A	1978
Atlantic Mackerel	not overfished/overfishing not occurring	10.7 no/tow	24.4 no/tow	50.6 no/tow ²	1978
Butterfish	not overfished/overfishing not occurring	0.4 kg/tow	N/A	N/A	1979
Spiny Dogfish ³	overfished/overfishing occurring	400,000 mt	102,400 mt	85,800 mt	1999
Surfclams	not overfished/overfishing not occurring	2,800 m lbs	2,800 m lbs	2,800 m lbs	1978
Ocean Quahogs	not overfished/overfishing not occurring	3,000 m lbs	3,000 m lbs	3,000 m lbs	1978
Tilefish	overfished/overfishing occurring	unknown	unknown	8 m lbs	2001

NOTE: Biomass is total stock biomass unless otherwise noted.

¹=spawning stock biomass

²=based on 1999 survey number per tow

³=biomass of adult female spiny dogfish

For purposes of understanding this table, "overfishing" refers to an excessive fishing mortality rate, i.e., the fishing mortality rate exceeds the target. "Overfishing" refers to the size of the fish stock, i.e., the stock biomass is below the biomass threshold.

General Information

What's a Fishery Management Council?

The Mid - Atlantic Fishery Management Council, headquartered in Dover, Delaware, is responsible for the conservation and management of fish stocks within the federal 200-mile limit of the Atlantic off the coasts of New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.

When Congress passed Public Law 94-265, the Magnuson Fishery Conservation and Management Act of 1976 (MFCMA), it extended the U.S. jurisdiction of fisheries out to 200 miles and created a new form of regional government through the eight regional fishery management councils. The role of the councils is to develop fishery management plans needed to manage fishery resources within the 200-mile limit. This limit, referred to as the Exclusive Economic Zone or EEZ or "federal waters", extends offshore from state waters (three miles in the Mid - Atlantic) to 200 nautical miles.

In 1996 the Sustainable Fisheries Act (SFA) was passed and it amended the Magnuson Act (now called the Magnuson-Stevens Act). Congress passed the SFA to, among other things, protect marine fish stocks with requirements to prevent and stop overfishing, minimize bycatch and the adverse effect of fishing on essential fish habitats.

Council Members

Council members are citizens from each of these Mid - Atlantic states who are knowledgeable about the various aspects of the fisheries. They serve three-year terms and are appointed by the Secretary of Commerce from lists of nominees submitted by the governors of the states. Appointed members may serve a maximum of three consecutive terms. The official responsible for marine fisheries management in each state, and the Northeast Regional Administrator of the National Marine Fisheries Service are also voting members. Non-voting members include representatives of the U.S. Fish and Wildlife Service, U.S. Coast Guard, State Department, and Atlantic States Marine Fisheries Commission.

Council Process

On average, the Council meets seven times each year, once in each of the Mid - Atlantic states. The Council involves the public by establishing advisory panels to which knowledgeable individuals with special expertise and insight about the species managed by the Council may be appointed for two year terms. It more directly involves the general public through scoping meetings, public hearings and input at Council meetings. When the Council recommends actions to be taken, its proposals are sent to NMFS for further review, public comment and approval before being implemented as final rules.

Council Members and Staff



Members from left to right: Jimmy Ruhle, Eric Schwaab, Ed Mesunas, Terry Smith, Red Munden, Ron Smith, Del Graff, Bob Pride, Gary Caputi, Tony DiLernia, Jack Travelstead, Jack Dunnigan, Ricks Savage, Dennis Spitsbergen, Larry Simns, Rick Cole, Pat Kurkul, Laurie Nolan, Jim Lovgren, Michelle Peabody, Bruce Freeman, and Vito Calomo



Staff from left to right: (front row) Tom Hoff, Val Whalon, Clay Heaton, (back row) Dan Furlong, Kathy Collins, Jose Montanez, Chris Moore, Carol Sollazzo, Rich Seagraves and Marla Trollan. Joanna Davis was on leave when this picture was taken.

Executive Director	Daniel Furlong	Deputy Director	Christopher Moore
Senior Ecologist	Tom Hoff	Public Affairs Specialist	Marla Trollan
Fishery Specialist/Biology	Rich Seagraves	Executive Assistant	Joanna Davis
Fishery Specialist/Economics	Jose Montanez	Administrative Officer	Carol Sollazzo
Fishery Specialist/Economics	Clay Heaton	Financial Assistant	Kathy Collins
Fishery Specialist/Biology	Valerie Whalon		